

ORDINANCE NO. 90-37

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE NO. 72-21; PROVIDING FOR THE CLERK OF THE COURT TO SEND COMPUTER TAPES TO THE DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES LISTING NAMES OF PERSONS WITH A CERTAIN NUMBER OF OUTSTANDING PARKING VIOLATIONS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 316.1967(6) and Section 320.03, Florida Statutes, were amended to authorize the County to provide by ordinance for the Clerk of the Court to furnish to the State of Florida, Department of Highway Safety and Motor Vehicles, a list of persons who have three or more outstanding parking violations for the purpose of withholding issuance of a license tag or revalidation sticker until such parking fines and charges are paid; and

WHEREAS, the County has experienced extreme difficulty in collecting payment on said violations; and

WHEREAS, the Board of County Commissioners believes that by enacting this ordinance there will exist an incentive to those persons receiving parking tickets to remit payment for same.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA that:

SECTION 1. A NEW SECTION 46 IS HEREBY ADDED AND THE EXISTING SECTIONS 46 THROUGH 51 ARE HEREBY RENUMBERED TO READ AS FOLLOWS:

Section 46.

Withholding of License Plates and Revalidation Stickers.

A. The Clerk of the Court shall supply the Department of Highway Safety and Motor Vehicles (DHSMV) with a computer tape reel or cartridge which is machine readable by the computer system installed at the DHSMV listing persons who have three or more outstanding parking violations.

B. If a person's name appears on the list referred to in subsection A. above, the Tax Collector shall not issue a license plate or revalidation sticker to such person until

1 such person's name no longer appears on said list or until
2 the person presents a receipt showing that such parking fines
3 and all applicable late charges or other related charges have
4 been paid. Pursuant to Section 320.03(8), F.S., the Tax
5 Collector and the Clerk shall each be entitled to receive
6 monthly, as costs for implementing and administering this
7 section, ten (10%) percent of the civil penalties and fines
8 received from such persons.

9 C. Pursuant to the authority granted in Sections
10 316.1967 and 320.03, Florida Statutes, this section shall be
11 applicable throughout Palm Beach County as a county
12 ordinance, including the municipalities situated therein if
13 they so desire to participate, provided, however, that the
14 chief local official responsible for enforcement of parking
15 violations in each municipality shall be responsible for
16 preparing and supplying the list of persons who have three or
17 more outstanding parking violations within his or her
18 respective jurisdiction to the DHSMV. Said list shall
19 include the address of the owner of the vehicle, as well as
20 any other information required by the department. The
21 municipalities shall provide the Clerk with the list
22 submitted to DHSMV and a list of persons who have remitted
23 payment for tickets issued. Said compilations shall be
24 provided monthly.

25 D. Any person owing monies for parking tickets issued
26 by a municipality shall remit payment for same directly to
27 the municipality, not the County Clerk's Office.

28 E. The Sheriff of Palm Beach County shall provide the
29 Clerk with all information required by the Department of
30 Highway Safety and Motor Vehicles.

31 Section 46- 47. Penalty.

32 Violation of any provision of this ordinance shall be
33 punishable by a fine not to exceed five hundred (\$500.00)
34 dollars or imprisonment in the County jail not exceeding
35 sixty (60) days or by both such fine and imprisonment in the
36 discretion of the Judge of the County Court of Palm Beach

County.

Section 47- 48. Uniformity of Application.

This ordinance shall constitute a uniform law applicable in all the unincorporated areas of Palm Beach County, Florida.

Section 48- 49. Inclusion in Code.

It is the intent of the Board of County Commissioners and is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Laws and Ordinances of Palm Beach County, Florida; that the sections of this ordinance may be renumbered or relettered to accomplish such intentions; and that the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 49- 50. Conflicting Regulations Repealed.

All special laws applying to and within the County, general laws applying only to Palm Beach County, any general law which the Board of County Commissioners is specifically authorized by Article VIII of the 1968 Florida Constitution to supersede, nullify or amend, and any local ordinance and resolution in conflict with any provision of this ordinance are hereby repealed.

Section 50- 51. Severability.

If any section, part of a section, paragraph, sentence, clause, phrase, or word of this ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portions of this ordinance and it shall be construed to have been the legislative intent to pass this ordinance without such unconstitutional, invalid, or inoperative part therein, and the remainder of this ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this resolution or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such

holdings shall not affect the applicability thereof to any other person, property or circumstances.

Section 51- 52. Effective Date.

The provisions of this ordinance shall become effective upon receipt from the Department of State of official acknowledgement that this ordinance has been filed with the Department of State.

SECTION 2. REPEAL OF LAWS IN CONFLICT

All local laws and ordinances in conflict with any provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY.

If any section, paragraph, sentence, clause, phrase, or word of this ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this ordinance.

SECTION 4. INCLUSION IN CODE OF LAWS AND ORDINANCES.

The provisions of this ordinance shall become and be made a part of the Code of Laws and Ordinances of Palm Beach County, Florida. The Sections of this ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

SECTION 5. EFFECTIVE DATE.

The provisions of this ordinance shall become effective upon receipt of acknowledgement by the Secretary of State.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on the 16th day of October, 1990.

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By: Carol August
Chairman

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: Van B. Cook
County Attorney

Acknowledgement by the Department of State of the State
of Florida, on this, the 25th day of October,
1990.

EFFECTIVE DATE: Acknowledgement from the Department of
State received on the 29th day of October, 1990,
at 3:05 P.M., and filed in the Office of the Clerk of the
Board of County Commissioners of Palm Beach County, Florida.

mp/dhs.ord

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, JOHN B. DUNKLE, ex-officio Clerk of the
Board of County Commissioners certify this to
be a true and correct copy of the original filed in
my office on 10/16/90
DATED at West Palm Beach, FL on 10/16/90.
JOHN B. DUNKLE, Clerk
By: [Signature] D.C.
Deputy Clerk